

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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IN REPLY REFER TO:

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

93-61

Honorable John Breaux  
United States Senate  
516 Senate Hart Office Building  
Washington, D.C. 20510-1803

Dear Senator Breaux:

This is in response to your letter dated November 16, 1993, requesting information regarding an FCC rule making proceeding concerning use of the 902-928 MHz band. Your inquiry was prompted by correspondence from your constituent, Mr. Stephen Fant, Vice President of Axonn Corporation, expressing concern about the future availability of this frequency band for use by manufacturers and users of Part 15 devices. The following is a brief description of the use of the 902-928 MHz band and a brief summary of the Notice of Proposed Rule Making adopted in this proceeding.

The 902-928 MHz band is shared by various user groups. In order to effectively manage the shared use of this spectrum, priorities for access to this band have been established among these groups. Users with lower priority must accept interference from and may not cause interference to users that have a higher priority. The 902-928 MHz band is primarily allocated for use by the Federal Government for Radiolocation, Fixed and Mobile services; these Federal Government users must, however, accept interference from Industrial, Scientific, and Medical (ISM) devices. Following both the Federal Government and ISM devices on the priority scale are Automatic Vehicle Monitoring (AVM) systems. Next are Amateur radio operators and finally, Part 15 users that are eligible to operate in this band. Because they have the lowest priority, Part 15 users must accept interference from and are not permitted to cause interference to any of the other users in this band. The order of priorities for users of this band has been in effect for nearly 20 years.

In PR Docket No. 93-61 the FCC has proposed certain changes to rules pertaining to AVM systems operating in the 902-928 MHz band. See, Notice of Proposed Rule Making, PR Docket No. (93-61) 8 FCC Rcd 2502 (1993). Uses for AVM systems include locating and tracking fleets of vehicles, locating stolen vehicles, alerting authorities to emergencies, automated toll collection, and freight tracking. Currently, such systems are licensed in the 904-912 and 918-926 MHz sub-bands. In PR Docket No. 93-61 the Commission proposes that such systems be licensed throughout the entire 902-928 MHz band and that they be permitted to locate persons as well as vehicles.

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Honorable John Breaux

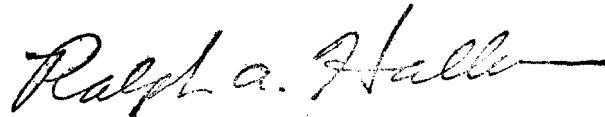
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The Commission also recognizes the difficulty various users, including your constituent, may have in sharing this band and have therefore requested comment on ways that sharing may be more easily facilitated. The Commission has not, however, proposed any changes in the status of or restrictions on the use of Part 15 devices in this band at this time.

Approximately 85 entities filed extensive comments expressing their viewpoints on how to resolve the various and complex issues raised in the Notice. Many commenters' views differ in a number of respects from those offered by the Commission, and the Commission gives full consideration to the views expressed by all interested parties. We are currently preparing a Report and Order that will establish the Commission's rules and policies with regard to AVM systems and hope to announce the adoption of this Report and Order in the near future.

I thank you for your interest in this matter. I trust this is responsive to your concerns.

Sincerely,

A handwritten signature in dark ink, reading "Ralph A. Haller" followed by a horizontal flourish line.

Ralph A. Haller  
Chief, Private Radio Bureau

JOHN BREAU  
LOUISIANA

MAJORITY  
CHIEF DEPUTY WHIP

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November 16, 1993

Mr. James H. Quello, Chairman  
Federal Communications Commission  
1919 M Street, N. W.  
Washington, D.C. 20554

Dear Mr. Quello:

I have been contacted by Stephen Fant, with Axonn Corporation, in New Orleans, Louisiana. Mr. Fant writes regarding his concerns about a Federal Communications Commission proposed change in the eligible participants for the operation of the 900 MHz Part 15 band technology.

Enclosed for your review is a copy of the correspondence I received from Mr. Fant regarding this matter. Information from you responding to his concerns about 900 MHz Part 15 band technology would be most helpful and appreciated.

Thank you for your time and attention.

Sincerely,



JOHN BREAU  
United States Senator

JB/grm  
Enclosure



CORPORATION

101 West Robert E. Lee Boulevard • Suite 202 • New Orleans, Louisiana 70124 • (504) 282-8119 • FAX 282-0999

October 28, 1993

Senator John B. Breau  
1005 Hale Boggs Federal Building  
501 Magazine Street  
New Orleans, LA 70130

Via Fax: (202) 224-4268  
and U.S. Mail

Dear Senator Breau,

I am writing today to seek your assistance on my company's behalf in a matter that has become very important to our future. I hope that you will assess the issues presented herewith and act favorably on our behalf.

By way of introduction, my company, Axonn, specializes in spread spectrum radio research and development. We were founded here in New Orleans seven years ago and we remain locally owned. Basically, we license our patented technology to large manufacturers for a license fee and ongoing royalty. To date, we have over twelve licensees which include companies such as Life Point Systems, Northern Computers, and Domestic Automation.

Several years ago, the FCC encouraged entrepreneurial companies, like ours, to develop state-of-the-art technologies to operate "license-free" in the 900 MHz Part 15 band. Our company responded and today we employ over 30 people in your district working directly on research, development, and engineering of products based on our patented, wireless technology. Now the FCC proposes to change the rules to the disadvantage of U.S. technology manufacturing firms and to the direct benefit of foreign technology and foreign manufacturing.


The FCC proposed to permit PacTel Teletrac to deploy high-powered, licensed technology (foreign developed) in over 60% of the spectrum currently occupied by Part 15 equipment. These changes, if implemented, will cause mutual interference to all Part 15 users as well as PacTel customers. This interference will have a "chilling effect" on our marketplace and a corresponding effect on our business. As one of the relatively few high-tech companies in Louisiana, this is especially damaging.

The Part 15 industry is made up generally of small U.S. domestic telecommunications manufacturing companies. It represents, nationwide, over two billion dollars in research and development investment, manufacturing and sales. The Commission's proposed action will seriously undermine this domestic industry. The impact on our company also could result in loss of sales, reduction in the workforce, loss of existing research and development investment and loss of access to future capital.

In view of the importance of these issues, we request you contact the Chairman of the FCC and express your concern over this needless disruption of a vital industry. For your convenience, I have taken the liberty to enclose a draft which you may wish to use.

In closing, if there are any questions you might develop on either our company or this issue and its industry impact, please do not hesitate to contact me. I stand ready to be of every assistance.

Sincerely,



Stephen N. Fant  
Vice President

SNF/mms

ECT-28-1993 17:36 FROM 504 282 0999 FAX TO 12022244268547 P.02

Enclosed for the FCC are two copies of a draft letterhead memorandum (LHM) dated and captioned as above. The LHM is for the Chairman's information and is not intended for distribution to other FCC staff. The LHM is also being furnished to the Department of Justice for its information.

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Very truly yours,  
Stephen N. Fant  
Vice President